

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MILAGROS FRANCO,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 1:22-cv-04011-AS-JW
	:
380 SECOND LLC AND SMALL DOOR	:
GRAMERCY LLC,	:
	:
Defendants.	:
	:
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DECLARATION OF SEAN J. KIRBY, ESQ.

I, Sean J. Kirby, Esq. declare as follows:

1. I am an attorney admitted to practice in the States of New York and New Jersey and am a Partner at Sheppard, Mullin, Richter and Hampton LLP, counsel to Defendant 380 Second LLC (“380 Second”).
2. I respectfully submit this declaration in support of 380 Second’s motion for summary judgment.
3. I am fully familiar with the facts and circumstances set forth herein. This declaration is based upon my personal knowledge and my review of relevant documents in this case.
4. On May 16, 2022, Plaintiff Milagros Franco (“Plaintiff”) commenced the instant action by filing her Complaint. Attached hereto as Exhibit A is a true and correct copy of Plaintiff’s Complaint, dated May 16, 2022 (Dkt. No. 1).
5. On August 29, 2023, 380 Second filed its answer to Plaintiff’s Complaint, and asserted Cross Claims against Defendant Small Door Gramercy LLC. Attached hereto as Exhibit

B is a true and correct copy of 380 Second's Answer and Affirmative Defenses, and Cross Claims against Defendant Small Door Gramercy LLC ("Small Door"), dated August 29, 2023 (Dkt. No. 19).

6. On September 19, 2022, Small Door filed its Answer to 380 Second's Cross Claims. Attached hereto as Exhibit C is a true and correct copy of Small Door's Answer to 380 Second's Cross Claims (Dkt. No. 24).

7. Attached hereto as Exhibit D is a true and correct copy of the transcript from Plaintiff's depositions in this action, with certain redactions for confidentiality, which occurred on April 20, 2023.

8. Attached hereto as Exhibit E is a true and correct copy of the Standard Form of Store Lease, with certain redactions for confidentiality, between 380 Second and Small Door, dated November 5, 2021.

9. Attached hereto as Exhibit F is a true and correct copy of the Accessibility Status Report, prepared by Plaintiff's Expert Jonathan White, AIA, NCARB, dated May 8, 2023.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 28, 2023, at New York, New York.

/s/ Sean J. Kirby
Sean J. Kirby